

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

**This document relates to:
*Track One Cases***

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**TEVA AND ACTAVIS GENERIC DEFENDANTS'
NOTICE OF NON-PARTY FAULT**

The Teva and Actavis Generic Defendants¹ give notice of additional non-parties to the above-captioned action to whom the Teva and Actavis Generic Defendants may attribute a percentage of fault pursuant to Ohio law at trial, based on the nature of the claims Plaintiffs have chosen to assert.² These additional non-parties include but are not limited to:

- The Federation of State Medical Boards;
- The State Medical Board of Ohio;
- The Joint Commission (formerly known as the Joint Commission on Accreditation of Healthcare Organizations);
- Third-Party Payers (including, but not limited to Medicare and Ohio Medicaid) as disclosed to Plaintiffs in data produced from IQVIA;
- The Ohio General Assembly;
- Any party named in a CT1 complaint but not present at trial (whether due to severance, settlement, or dismissal on any other basis);
- Alleged “Front Groups” and “Key Opinion Leaders” identified by Plaintiffs in the CT1 complaints;
- Non-party pharmaceutical manufacturers;
- Non-party wholesale pharmaceutical distributors;

¹ Cephalon, Inc. (“Cephalon”) and Teva Pharmaceuticals USA, Inc. (“Teva USA”) are referred to as the “Teva Defendants.” Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida are collectively referred to as the “Actavis Generic Defendants.” Pursuant to the Court’s October 8, 2019 Stipulation, Cephalon, Teva USA, and Actavis LLC are the remaining Teva and Actavis Generic Defendants at issue in the present action.

² Ohio Rev. Code 2307.011, 2307.22, 2307.23, and other applicable statutes.

- Pharmacy benefit managers;
- Any individuals involved in illegal sales, prescribing or dispensing, or diverting sharing of opioid medicines, heroin, and/or other illegal drugs.

This Notice is in addition to, and not a replacement of, any previous notice by any Teva or Actavis Generic Defendant of non-parties to whom fault should be attributed under the non-party fault provisions of Ohio law.³ The Teva and Actavis Generic Defendants hereby reassert as to each Plaintiff the non-parties identified in the affirmative defenses pled in their respective Answers and Affirmative Defenses to the Summit County Third Amended Complaint and reserve their right to name additional non-parties at fault in future notices.

³ See, e.g., Corrected Answer and Affirmative Defenses of Teva USA, ECF No. 1340, Affirmative and Other Defenses Nos. 18, 25, 40, 65; Corrected Answer and Affirmative Defenses of Cephalon, ECF No. 1341, Affirmative and Other Defenses Nos. 18, 25, 40, 65; Corrected Answer and Affirmative Defenses of Actavis Generic Defendants, ECF No. 1339, Affirmative and Other Defenses Nos. 18, 25, 40, 65.

Dated: October 18, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. If electronic notice is not indicated through the court's e-filing system, a true and correct copy of the foregoing document was delivered via electronic mail or U.S. Mail.

Dated: October 18, 2019

/s/ Steven A. Reed
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